

## **REMARKS**

Applicant wishes to thank the Examiner for the detailed remarks. Claims 11-36 remain pending, claims 11-21, 23, 24 and 28 stand withdrawn, and claims 22, 25-27 and 29-36 stand rejected.

### **35 U.S.C. §103**

Claims 22, 25-27, and 29-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Ueda* (JP61164109) in view of *Perry* (6813973). Applicant respectfully traverses this rejection. The Examiner states in the response to argument section:

The limitation "spin" is being interpreted as "to revolve or rotate rapidly, as the earth or a top." The *Ueda* reference therefore meets the limitations of the claims.

Notably, Applicant respectfully submits that although properly interpreting the term "spin," the Examiner completely fails to support how the *Ueda* reference meets this claimed term.

Obviousness is a question of law based on fact findings. The scope and content of the prior art are determined; differences between the prior art and the claims at issue are ascertained; the level of skill in the art is resolved; and objective record evidence of nonobviousness is considered. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). A rejection for obviousness must include "articulated reasoning with some rational underpinning to support the legal conclusion." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007), quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

The Examiner has simply not provided any articulated reasoning with some rational underpinning to support the legal conclusion which could be properly sustained.

In fact, even in a section recited by the Examiner at page 5, lines 1-8 of the translation "wobbling" is discussed rather than "spin". "Wobble" is defined as: (*intr*) to move, rock, or sway unsteadily.

In order to solve the aforementioned problems, the second invention comprises multiple vibrators, each equipped with a wobbling mass member and a supporting section that supports said mass member elastically, a base for securing the aforementioned supporting sections of the aforementioned vibrators, an excitation means for wobbling at least one of the aforementioned vibrators while wobbling the other vibrator in the opposite direction or vibrating it in a bending fashion in a linear direction, a self-excitation circuit for wobbling the aforementioned vibrators, and an arithmetic operation part that compares the difference between the frequencies of the aforementioned vibrators so as to compare the levels and the directions of the angular velocities of the aforementioned vibrators.

The plain meaning of “wobbling” in the *Ueda* translation therefore refutes the Examiner’s interpretation.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant’s representative can be contacted at the number indicated below.

Respectfully submitted,

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